

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE PETITION OF)
LTD BROADBAND LLC FOR DESIGNATION AS AN)
ELIGIBLE TELECOMMUNICATIONS CARRIER FOR) Docket No. TC21-001
PURPOSES OF RECEIVING FEDERAL UNIVERSAL)
SERVICE SUPPORT)**

SDTA Petition to Intervene

The South Dakota Telecommunications Association ("SDTA") hereby petitions the Commission for intervention in the above captioned proceeding pursuant to SDCL 1-26 17.1 and ARSD §§ 20:10:01:15.02, 20:10:01:15.03 and 20:10:01:15.05. In support hereof, SDTA states as follows:

1. SDTA is an incorporated organization representing the interests of numerous cooperative, independent and municipal telephone companies operating throughout the State of South Dakota.
2. SDTA member companies are "rural telephone companies" under applicable state and federal law. SDTA member companies provide communication services, including broadband, to customers within their telephone territory. In addition, several SDTA companies provide communication services outside of their rural telephone territory as competitive local exchange companies.
3. Large geographic areas in South Dakota, outside SDTA member company rural service territories, have limited access to highspeed broadband. These unserved or underserved geographic areas are, in most cases, sparsely populated high-cost areas. Absent effective government support, these areas may never see highspeed broadband.

4. Government agencies including the Federal Communications Commission (“FCC”) and the State of South Dakota established programs to support and promote broadband infrastructure development. One such program, established by the FCC to target underserved or unserved rural areas is the Rural Digital Opportunity Fund Auction (“RDOF”).

5. Areas in South Dakota qualified for inclusion in the RDOF auction due to lack of reliable high speed broadband services. South Dakota consumers will benefit from the RDOF auction only if the RDOF service provider participants provide the service and technology they bid and promise to provide in the initial state of the auction.

6. LTD Broadband, LLC (“LTD” or “Applicant”) participated in the RDOF Auction. LTD was declared by the FCC to be a provisional RDOF winner in South Dakota census blocks listed on “Attachment A” to the Petition. As the provisional census block winner, LTD must now obtain Eligible Telecommunications Carrier (“ETC”) designation in the State of South Dakota in census block areas listed in “Attachment A” to the Petition. On or about January 7, 2021, LTD filed an Application/Petition with the Commission seeking such designation.

7. SDTA member companies have the following unique business interests in this proceeding:

a. The RDOF areas that LTD intends to serve are geographically connected to SDTA member company service areas. It is logical for SDTA member companies to examine growth opportunity into these geographic areas. In fact, several SDTA member companies currently provide service in said areas and others are in the planning process to do so. SDTA members were competing for the RDOF bid in some of these areas. Therefore, the business of SDTA members will be directly

impacted by LTD service in these areas and could make prior plans cost prohibitive given there will be fewer customers left to provide service to.

b. SDTA member companies participate in the Connect SD grant program through the South Dakota Office of Economic Development. LTD's service plans in RDOF SD census blocks may impact the availability of SD grant funds in those areas. SDTA members will be directly impacted if areas of the state become ineligible to receive Connect SD grant funds.

c. SDTA member companies participate in USDA ReConnect Loan and Grant program. LTD's service plans in RDOF SD census blocks may impact the availability of ReConnect loans or grants in those areas. SDTA members will be directly impacted if said funds are unavailable in areas of the state.

8. SDTA seeks intervention in this proceeding based on the individual interests of each of its affected member companies and their common interests in ensuring that all federal and state requirements pertaining to ETC designation, including the additional public interest protections afforded rural telephone company service areas, are properly considered and applied. It seems, based upon Exhibit A, that ETC status is requested only in areas outside of designated rural areas. However, a map, as required pursuant to ARSD 20:10:32:43 was not filed. Therefore, SDTA member companies are not able to verify the same.

9. SDTA seeks intervention in this proceeding based on the individual interests of each of its affected member companies and their common interests in transparency and accountability in RDOF program administration. This proceeding in South Dakota is an essential

part of the RDOF process to determine whether LTD's receipt of RDOF funds is consistent with the goals of the Universal Service Fund (USF) High-Cost Program.

10. Based on the foregoing, SDTA alleges it is an interested party in this matter and seeks intervening party status.

Dated this 27 day of January, 2021.



Kara C. Semmler
SDTA Executive Director and General Counsel
P.O. Box 57
Pierre, SD 57501